

IF W RCE/3623

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Request
For
Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Application Number	09/751,144
Filing Date	Dec. 29, 2000
First Named Inventor	Peter Benda et al.
Art Unit	3623
Examiner Name	Romain Jeanty
Attorney Docket Number	13149US01

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☒ Consider the arguments in the Appeal Brief or Reply Brief previously filed on August 12, 2004
ii. ☐ Other _____

- b. ☒ Enclosed

- i. ☒ Amendment/Reply
ii. ☐ Affidavit(s)/Declaration(s)
iii. ☐ Information Disclosure Statement (IDS)
iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge additional fees, or credit any overpayments, to Deposit Account No. 13-0017
i. ☐ RCE fee required under 37 C.F.R. 1.17(e)
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)
iii. ☒ Other (additional fees)
b. ☒ Check in the amount of \$ 770.00 enclosed
c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Troy A. Groetken	Registration No. (Attorney/Agent)	46,442
Signature		Date	Sept. 22, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print /Type)	Troy A. Groetken	Date	Sept. 22, 2004
Signature			

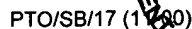
This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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770.00 DP



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Patent Fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT	(\$) 770.00
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Complete if Known

Application Number	09/751,144
Filing Date	Dec. 29, 2000
First Named Inventor	Peter Benda et al.
Examiner Name	Romain Jeanty
Group Art Unit	3623
Attorney Docket No.	13149US01

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number
Deposit
Account
Name

13-0017

McAndrews Held & Malloy

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
 See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

	Large Entity	Small Entity
1. Entity Type	Publicly traded company	Private company
2. Entity Size	Large	Small
3. Entity Complexity	Complex	Simple
4. Entity Risk	High	Low
5. Entity Industry	Highly competitive	Lowly competitive
6. Entity Location	Global	Local
7. Entity History	Long	Short
8. Entity Reputation	Good	Poor
9. Entity Financials	High	Low
10. Entity Management	Experienced	Inexperienced
11. Entity Culture	Strong	Weak
12. Entity Compliance	High	Low
13. Entity Governance	High	Low
14. Entity Transparency	High	Low
15. Entity Accountability	High	Low
16. Entity Ethics	High	Low
17. Entity Sustainability	High	Low
18. Entity Innovation	High	Low
19. Entity Customer Satisfaction	High	Low
20. Entity Employee Satisfaction	High	Low
21. Entity Supplier Satisfaction	High	Low
22. Entity Community Satisfaction	High	Low
23. Entity Environmental Impact	High	Low
24. Entity Social Impact	High	Low
25. Entity Governance Impact	High	Low
26. Entity Financial Impact	High	Low
27. Entity Operational Impact	High	Low
28. Entity Customer Impact	High	Low
29. Entity Employee Impact	High	Low
30. Entity Supplier Impact	High	Low
31. Entity Community Impact	High	Low
32. Entity Environmental Impact	High	Low
33. Entity Social Impact	High	Low
34. Entity Governance Impact	High	Low
35. Entity Financial Impact	High	Low
36. Entity Operational Impact	High	Low
37. Entity Customer Impact	High	Low
38. Entity Employee Impact	High	Low
39. Entity Supplier Impact	High	Low
40. Entity Community Impact	High	Low
41. Entity Environmental Impact	High	Low
42. Entity Social Impact	High	Low
43. Entity Governance Impact	High	Low
44. Entity Financial Impact	High	Low
45. Entity Operational Impact	High	Low
46. Entity Customer Impact	High	Low
47. Entity Employee Impact	High	Low
48. Entity Supplier Impact	High	Low
49. Entity Community Impact	High	Low
50. Entity Environmental Impact	High	Low
51. Entity Social Impact	High	Low
52. Entity Governance Impact	High	Low
53. Entity Financial Impact	High	Low
54. Entity Operational Impact	High	Low
55. Entity Customer Impact	High	Low
56. Entity Employee Impact	High	Low
57. Entity Supplier Impact	High	Low
58. Entity Community Impact	High	Low
59. Entity Environmental Impact	High	Low
60. Entity Social Impact	High	Low
61. Entity Governance Impact	High	Low
62. Entity Financial Impact	High	Low
63. Entity Operational Impact	High	Low
64. Entity Customer Impact	High	Low
65. Entity Employee Impact	High	Low
66. Entity Supplier Impact	High	Low
67. Entity Community Impact	High	Low
68. Entity Environmental Impact	High	Low
69. Entity Social Impact	High	Low
70. Entity Governance Impact	High	Low
71. Entity Financial Impact	High	Low
72. Entity Operational Impact	High	Low
73. Entity Customer Impact	High	Low
74. Entity Employee Impact	High	Low
75. Entity Supplier Impact	High	Low
76. Entity Community Impact	High	Low
77. Entity Environmental Impact	High	Low
78. Entity Social Impact	High	Low
79. Entity Governance Impact	High	Low
80. Entity Financial Impact	High	Low
81. Entity Operational Impact	High	Low
82. Entity Customer Impact	High	Low
83. Entity Employee Impact	High	Low
84. Entity Supplier Impact	High	Low
85. Entity Community Impact	High	Low
86. Entity Environmental Impact	High	Low
87. Entity Social Impact	High	Low
88. Entity Governance Impact	High	Low
89. Entity Financial Impact	High	Low
90. Entity Operational Impact	High	Low
91. Entity Customer Impact	High	Low
92. Entity Employee Impact	High	Low
93. Entity Supplier Impact	High	Low
94. Entity Community Impact	High	Low
95. Entity Environmental Impact	High	Low
96. Entity Social Impact	High	Low
97. Entity Governance Impact	High	Low
98. Entity Financial Impact	High	Low
99. Entity Operational Impact	High	Low
100. Entity Customer Impact	High	Low

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing Fee	<input type="text"/>
1002	340	2002	170	Design filing Fee	<input type="text"/>
1003	530	2003	265	Plant filing fee	<input type="text"/>
1004	770	2004	385	Reissue filing fee	<input type="text"/>
1005	160	2005	80	Provisional filing fee	<input type="text"/>

SUBTOTAL (1) (\$)

2 EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/> - 20** =	<input type="text"/> x	<input type="text"/> =	<input type="text"/>
Independent Claims	<input type="text"/> - 3** =	<input type="text"/> x	<input type="text"/> =	<input type="text"/>
Multiple Dependent			<input type="text"/> =	<input type="text"/>

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770.00
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					


Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)	(\$) 770.00
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SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Troy A. Groetken	Registration No. (Attorney or Agent)	46,442	Telephone	312-775-8000
Signature				Date	Sept. 22, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Case No. 13149US01

PATENT

In the Application of:

PETER BENDA, et al.

Serial No.: 09/751,144

Filed: December 29, 2000

For: TRANSPORT VEHICLE CAPACITY
MAXIMIZATION LOGISTICS SYSTEM
AND METHOD OF SAME

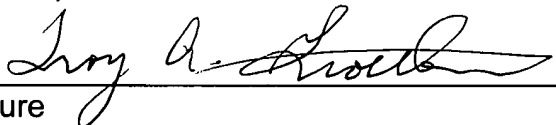
Examiner: Romain Jeanty

Group Art Unit: 3623

Confirmation No.: 9215

CERTIFICATION OF MAILING

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Signature

AMENDMENT AND RESPONSE UNDER 37 CFR 1.111

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Advisory Action dated September 15, 2004, and as discussed with the Examiner during a telephone conference of September 14, 2004, Applicants

respectfully request entry of the following amendment before consideration of the response on the merits:

Amendments to the Claims being on page 3 of this paper.

Remarks/Arguments begin on page 8 of this paper.

This particular Amendment and Response is being filed concurrently with Applicant's Request for Continued Examination.

Applicants also respectfully thank the Examiner for the entry of the previously submitted Amendment C After Final Under 37 C.F.R. § 1.116 submitted on August 12, 2004.